

Daniel J. Kramer*
Sara E. Hershman*
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Phone: 212-373-3000
Fax: 212-757-3990
Email: dkramer@paulweiss.com
shershman@paulweiss.com
Counsel for Plaintiff Tanya Gersh

John Morrison
MORRISON, SHERWOOD,
WILSON & DEOLA, PLLP
401 N. Last Chance Gulch St.
Helena, MT 59601
Phone: 406-442-3261
Fax: 406-443-7294
Email: john@mswdlaw.com
Counsel for Plaintiff Tanya Gersh

Beth Littrell*
SOUTHERN POVERTY LAW
CENTER
P.O. Box 1287
Decatur, GA 30030
Phone: 404-221-5876
Fax: 404-221-5857
Email: beth.littrell@splcenter.org
Counsel for Plaintiff Tanya Gersh

*Admitted *pro hac vice*

**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION**

TANYA GERSH,

Plaintiff,

v.

ANDREW ANGLIN,

Defendant.

Case No. 9:17-cv-00050-DLC-KLD

**PLAINTIFF'S NOTICE OF
SUBMITTAL**

Plaintiff Tanya Gersh provides notice to the Court that Plaintiff's Motion to Hold Defendant Andrew Anglin in Contempt of This Court's February 9, 2021 Order and to Enforce Discovery Pursuant to that Order ("the "Motion") is ripe for decision, as set forth below. (Dkts. 235, 236.)

On February 9, 2021, the Court entered an order compelling Anglin to respond to Plaintiff's post-judgment discovery requests no later than April 1, 2021. (Dkt. 232.) The Court further ordered that Anglin would have until April 1, 2021 within which to be heard and show cause why he should not be required to pay the reasonable expenses, including attorneys' fees, Ms. Gersh incurred in making her motion to compel. (*Id.*)

The undisputed evidence shows Defendant failed to comply with the Court's February 9 Order compelling him, by April 1, 2021, to respond to Plaintiff's discovery requests and to show cause why he should not be required to pay the attorneys' fees awarded to Ms. Gersh in connection with the motion to compel or to object to the \$8,232 in attorneys' fees set forth in the fee affidavit submitted by Ms. Gersh's counsel. (*See* Dkts. 235, 236.) Accordingly, on April 21, 2021, Ms. Gersh filed a motion seeking an order: (i) finding Anglin in contempt for failing to comply with the Court's February 9 Order; (ii) giving him thirty (30) days to purge himself of contempt by complying with the February 9 Order; and (iii) directing that, if Anglin fails to purge himself of the contempt

within the time period specified, a bench warrant be issued for his arrest and incarceration until such time as he purges himself of contempt by complying with the February 9 Order. (Dkt. 235.) In support of the Motion, Plaintiff filed a brief with exhibits. (Dkt. 236.)

Defendant's response to the Motion was due May 5, 2021. Local Rule 7.1(d)(1)(B)(ii). Defendant did not file a request for an extension of the time to file a response nor has Defendant filed a response. The Defendant's "failure to file a response brief may be deemed an admission that the motion is well-taken." *Id.* Because the time for response has closed without a response being filed, the Motion is unchallenged and ripe for ruling. Local Rule 7.1(d)(1)(D).

Because Defendant has not filed a response to Plaintiff's Motion, Plaintiff has no reason to file a reply brief. Accordingly, Plaintiff provides notice to this Court that Plaintiff's Motion to Hold Defendant Andrew Anglin in Contempt of This Court's February 9, 2021 Order and to Enforce Discovery Pursuant to that Order is ripe for decision.

Respectfully submitted this 7th day of May, 2021.

DATED: May 7, 2021

**PAUL, WEISS, RIFKIND,
WHARTON & GARRISON LLP**

BY:

/s/Daniel J. Kramer

Daniel J. Kramer*

Sara E. Hershman*

1285 Avenue of the Americas

New York, NY 10019-6064

Phone: 212-373-3000

Fax: 212-757-3990

Email: dkramer@paulweiss.com

shershman@paulweiss.com

Counsel for Plaintiff Tanya Gersh

John Morrison

MORRISON, SHERWOOD,

WILSON & DEOLA, PLLP

401 N. Last Chance Gulch St.

Helena, MT 59601

Phone: 406-442-3261

Fax: 406-443-7294

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Decatur, GA 30030

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CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing document was filed with the clerk of the court for the United States District Court for the District of Montana through the Court's CM/ECF filing system, and by virtue of this filing notice will be sent electronically to all counsel of record. I further certify that on this date the foregoing document was served upon Defendant Andrew Anglin via Fed-Ex at all his known mailing addresses.

DATED: May 7, 2021

/s/Daniel J. Kramer
Attorney for Plaintiff Tanya Gersh
on behalf of all Attorneys for Plaintiff